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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Czech Republic

1. The Committee considered the initial report of the Czech Republic (CRC/C/11/Add.11) at its 411th to 413th meetings (CRC/C/SR.411-413), held on 30 September and 1 October 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the initial report and written answers to the list of issues (CRC/C/Q/CZE/1) submitted by the State party. The Committee expresses its satisfaction at the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated, in a self-critical manner, not only the policy and programme directions, but also the difficulties encountered in implementing the Convention. The Committee also acknowledges the fact that the presence of a multidisciplinary delegation directly involved in the implementation of the Convention in the Czech Republic enabled it to engage in a fruitful and constructive dialogue.

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* At the 426th meeting, held on 10 October 1997.

B. Positive aspects

3. The Committee notes with satisfaction that the State party is currently carrying out a comprehensive law reform and welcomes the initiatives undertaken by the State party to further the protection of the family and children by drafting new legislation, such as the proposed Law on Social and Legal Protection of Children, and proposing amendments to existing legislation, including the Law on the Family, the Criminal Code and the Code of Criminal Procedures.

4. The Committee views positively the initiating by the State party of a training programme for judges, the police, and several government officials dealing with children's rights in order to increase their awareness about the principles and provisions of the Convention.

5. The Committee welcomes the initiative of the State party to establish a "Crisis Line for Children", which provides children with a means to report cases of sexual abuse and domestic violence.

6. The Committee notes with appreciation the longstanding achievements of the State party in the areas of education and medical care and welcomes its commitment to maintain these high standards.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee acknowledges that the State party has had to face economic, social and political challenges during the past few years. It notes that the transition to a market economy has led to increased rates of unemployment, poverty and other social problems, and has had a serious impact on the welfare of the population, in particular on all vulnerable groups, including children.

D. Principal subjects of concern

8. While acknowledging the openness of the State party towards the possibility of reviewing its reservation to article 7, paragraph 1, of the Convention, the Committee remains concerned that this reservation might impede the full implementation of the Convention.

9. The Committee is concerned at the lack of an integrated strategy for children as well as of a systematic mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children in urban and rural areas, especially those affected by the consequences of economic transition.

10. The Committee is concerned about the need to strengthen the State party's limited capacity to develop specific disaggregated indicators to evaluate progress achieved and assess the impact of existing policies on all children, in particular children belonging to minority groups.

11. While noting with satisfaction the existence of government bodies dealing with the welfare of children at the national and local levels, the Committee nevertheless expresses its concern that the coordination among them needs to be improved in order to develop a comprehensive approach to the implementation of the Convention.

12. The Committee expresses its concern at inadequate coordination and communication mechanisms between the Government and the non-governmental organizations dealing with children's issues.

13. The Committee is concerned that the general principles of the Convention, as laid down in its articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to children belonging to vulnerable categories such as children belonging to minorities, children with disabilities, children in institutions or deprived of liberty, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who live and/or work on the streets.

14. The Committee is concerned that sufficient measures have not been taken to disseminate and raise awareness about the principles and provisions of the Convention in all parts of society, among children and adults alike, in conformity with article 42 of the Convention.

15. The Committee is concerned that no adequate measures have been taken to prevent and combat all forms of discriminatory practices against children belonging to minorities, including Roma children, and to ensure their full access to health, education and other social services. The Committee is concerned that the principles and provisions of the Convention are not fully respected as regards Roma children, in particular those who are in detention or otherwise institutionalized.

16. While acknowledging recent legal measures to resolve the situation of children, especially those placed in institutions or in foster homes, who were not registered for lawful permanent residence and were thereby denied the right to citizenship, the Committee remains concerned at the fact that children and care takers in such situations are not sufficiently informed about the procedures for applying for citizenship.

17. In the light of article 17 of the Convention, the Committee is concerned that sufficient mechanisms do not exist to protect children from harmful information, including violence and pornography in the media.

18. The Committee is concerned that corporal punishment is still used by parents and that internal school regulations do not contain provisions explicitly prohibiting corporal punishment, in conformity with articles 3, 19 and 28 of the Convention.

19. The Committee is worried about the increasing problems of environmental degradation in the State party, which have a harmful impact on the health of children.

20. In regard to the situation of children with disabilities, the Committee expresses its concern at the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion into society. The Committee is also concerned about the small number of well-trained professionals dealing with disabled children.

21. The Committee is concerned about the insufficiency of the measures taken to tackle issues of reproductive health and the incidence of early pregnancies.

22. The Committee expresses its concern that the measures, including legal ones, being taken to address the problems of child abuse, including sexual abuse within the family, and the sale and trafficking of children, child prostitution and child pornography are insufficient. The Committee is also concerned that, as referred to in the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95/Add.1), the State party may serve as a transit country for the trafficking of children.

23. The Committee expresses its concern at the phenomenon of children working and/or living on the street, and at the inadequate measures taken to tackle this issue.

24. The Committee expresses its concern at the rising incidence of gambling addiction, alcohol consumption and drug abuse among children and the insufficient preventive measures taken by the State party.

25. The system of the administration of juvenile justice, and in particular its compatibility with articles 37, 39, and 40 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee remains particularly worried, inter alia, about the rights of the child to legal assistance and judicial review, that deprivation of liberty is not used only as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

E. Suggestions and recommendations

26. In the light of the Vienna Declaration and Programme of Action of 1993, the Committee encourages the State party to review its reservation to article 7, paragraph 1, of the Convention.

27. The Committee takes note that a National Plan of Action has been drafted and encourages the State party to follow all the necessary steps to implement it. The Committee also recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective

evaluation of the implementation. Moreover, the Committee encourages the State party to continue and strengthen its efforts to develop a close partnership with non-governmental organizations (NGOs).

28. The Committee encourages the State party to pursue its consideration of the establishment of an independent mechanism to monitor the observance of children's rights, such as an Ombudsperson or a National Commission for Children's Rights.

29. The Committee recommends that the State party give priority attention to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children, and in evaluating progress achieved and difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children belonging to minorities, children with disabilities, children ill-treated and abused within the family, children in institutions or deprived of liberty, children who are victims of sexual exploitation and children who live and/or work on the streets.

30. The Committee recommends that further efforts be made to ensure that national laws conform fully with the Convention, having due regard to the principles of the best interests of the child, non-discrimination, respect for the views of the child, and his or her right to participate in family, school, other institutions and social life.

31. The Committee recommends that consideration be given to incorporating the Convention in the curricula of all educational institutions and that appropriate measures be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts to providing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, law enforcement personnel, army officials, teachers, school administrators, social workers, and personnel of child-care institutions.

32. The Committee recommends that the State party undertake major efforts to develop awareness-raising campaigns aimed at reducing discriminatory practices against the Roma population and should envisage special programmes to improve the standard of living, education and health of Roma children.

33. The Committee recommends that the State party take further measures in accordance with article 7, paragraph 2, of the Convention, including measures to facilitate applications for citizenship, so as to resolve the situation of stateless children, especially those placed in institutions. The Committee also suggests that the State party consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

34. The Committee recommends that the State party envisage plans to adopt reproductive health measures designed to reduce the incidence of pregnancies among teenage girls and strengthen its information and prevention programmes to combat HIV/AIDS and other sexually transmitted diseases (STD). The

Committee also recommends that the State party take adequate measures, including awareness-raising campaigns and the provision of support services to needy families, in order to prevent the abandonment of children and to protect poor single mothers from child traffickers.

35. The Committee recommends that further measures to protect children from abuse and maltreatment be undertaken, in particular through the development of a widespread public information campaign for the prevention of corporal punishment at home, at school, and in other institutions.

36. The Committee welcomes the intention of the State party to accede to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and recommends that appropriate steps be taken to ensure its entry into force.

37. In regard to children with disabilities, the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of disabled children, and envisage awareness-raising campaigns to reduce discrimination against disabled children and encourage their inclusion into society.

38. The Committee recommends that the State party undertake more comprehensive research on the possible effects of environmental pollution on the health of children.

39. The Committee suggests that the State party undertake a comprehensive study of child abuse and ill-treatment in the family. The Committee also recommends reinforcing its policies and programmes to prevent and combat all forms of sexual abuse, including domestic violence and incest. As regards sexual exploitation of children, the Committee encourages the State party to take into consideration the recommendations of the 1996 Stockholm Congress against Commercial Sexual Exploitation of Children, as well as those of the Special Rapporteur on the sale of children, child prostitution and child pornography.

40. The Committee encourages the State party to envisage ratifying ILO Convention No. 138, regulating the minimum age for access to employment. Furthermore, in view of the increasing phenomenon of children living and/or working on the street, it recommends that efforts be strengthened to provide social support to such children.

41. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to the right of children to prompt access to legal assistance. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system and specialized courts should be established.

42. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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Sixteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Trinidad and Tobago

1. The Committee considered the initial report of Trinidad and Tobago (CRC/C/11/Add.10) at its 414th to 416th meetings (see CRC/C/SR.414-416), held on 2 and 3 October 1997, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its initial report, which followed the guidelines set by the Committee, and written answers to the list of issues (CRC/C/Q/TRI/1). The Committee is encouraged by the frank, self-critical and cooperative tone of the dialogue, during which the delegation of the State party indicated policy and programme directions as well as difficulties encountered with regard to the implementation of the provisions of the Convention. The Committee, however, notes with regret that the report and the written answers did not provide statistical and disaggregated data.

B. Positive aspects

3. The Committee welcomes the State party's proposal to incorporate the National Plan of Action on Children (NPA) in the general development framework of the country.

4. The Committee notes with satisfaction the establishment of the Inter-Ministerial Committee to implement the NPA, as well as the National Family Services Division within the Ministry of Consumer Affairs and Social Services to monitor children at risk.

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* At the 426th meeting, held on 10 October 1997.

5. The Committee notes with satisfaction the low levels of child mortality and under-five mortality rates, as well as the positive indicators in the field of education.

6. The Committee welcomes the willingness of the State party to collaborate with non-governmental organizations and is encouraged by the subsidies that the State party grants to various national non-governmental organizations working towards the promotion and protection of children's rights within its territory.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee recognizes that severe economic constraints, due in particular to structural adjustment programmes, social difficulties and poverty, have had a negative impact on the situation of children. The Committee notes that the State party has gone through an economic recession in the last few years, which resulted in an acute increase in unemployment.

D. Principal subjects of concern

8. The Committee is concerned that the Convention is not an integral part of the national legislation and that national laws and regulations are not fully consistent with the principles and provisions of the Convention. While noting that the State party identified a number of areas in legislation that need to be reformed to bring them into conformity with the principles and provisions of the Convention, the Committee is concerned that the measures adopted to harmonize national legislation with the principles and provisions of the Convention are insufficient. It also regrets that a number of legal provisions contrary to the Convention are still in force, including in the areas of administration of juvenile justice, minimum age of access to employment and minimum age for marriage.

9. The Committee regrets that coordination among the bodies promoting and protecting the rights of the child is inadequate and that a comprehensive approach to the implementation of the Convention is lacking. The Committee also regrets that these bodies lack the institutional capacity, skills and financial resources to carry out their mandates.

10. The Committee is concerned at the insufficient attention paid, at both national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of disaggregated data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or economic exploitation, girl children, children of single-parent families, children born out of wedlock, abandoned children, institutionalized and disabled children, children living and/or working in the streets and children involved with the juvenile justice system.

11. The Committee is concerned that the measures and programmes to ensure the implementation of children's economic, social and cultural rights to the

maximum extent of available resources are inadequate. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children.

12. The Committee expresses its concern at the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law.

13. The Committee notes with concern that measures taken to ensure that the provisions and principles of the Convention are made widely known to adults and children alike, in accordance with article 42 of the Convention, are insufficient. Moreover, insufficient attention has been paid to the training of all professional groups working with or for children such as judges, lawyers, magistrates, law enforcement personnel, police officers, army officers, officials of the central and local administrations, health professionals, teachers, social workers, and personnel working in child-care and detention institutions.

14. The Committee is concerned that the State party has not yet taken fully into account in its legislation and policies the general principles of the Convention, in particular the principles of non-discrimination (art. 2), best interests of the child (art. 3), and respect for the views of the child (art. 12).

15. In the light of article 17 of the Convention, the Committee notes with concern that no adequate efforts exist to protect children from being exposed to harmful information, including violence, especially on television.

16. While noting the efforts undertaken by the State party, such as the enactment of the 1991 Domestic Violence Act as well as the establishment in 1997 of a multi-disciplinary committee to review national legislation related to domestic violence in order to strengthen the protection of the victims, the Committee is concerned about the insufficient awareness and information on ill-treatment and abuse of children, including sexual abuse, both within and outside the family, and at the lack of appropriate measures and mechanisms to prevent and combat them. The lack of special structures for children victims of such abuses is also a matter of concern.

17. The Committee is deeply concerned by the use of corporal punishment within the family, at school and in care institutions, as well as at the absence of a law that clearly prohibits the use of both mental and physical torture or other cruel, inhuman or degrading treatment or punishment against children.

18. The Committee is concerned at the lack of qualified staff working in the care institutions. While taking note of the recent measures taken to improve the monitoring of care institutions, the Committee remains concerned about the persistence of reported cases of abuse.

19. The Committee is concerned at the high maternal mortality rate. The Committee is also concerned at the spread of HIV/AIDS and its impact on children, as well as at the insufficiency of measures to prevent early pregnancy.

20. While recognizing the efforts of the State party in the field of education, the Committee is concerned at the shortage of trained teachers and at the high pupil-teacher ratio.

21. The Committee is concerned about the new phenomena of homelessness and children living and/or working in the streets. While noting the efforts by the State party to provide services for these children, including the opening of a special home and the provision of education, the Committee remains concerned that this is not adequate to reach all children living and/or working in the streets.

22. The Committee is concerned by the increase in the economic exploitation of children, in particular those who work as street vendors. The Committee notes that the value attached by the community to education is a positive factor that helps to reduce the incidence of child labour. The Committee is also concerned at the low minimum age of access to employment, set at 12.

23. The situation in relation to the administration of juvenile justice, in particular its compatibility with articles 37, 39 and 40 of the Convention as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. In particular, the Committee is concerned at the low minimum age of criminal responsibility. The Committee is also concerned that there are no requirements to present juveniles before a court in a speedy manner, and that flogging is allowed by the law as a means of punishment and corporal punishment is allowed as a means of discipline in detention centres. The Committee is also concerned that prison facilities are overcrowded, resulting in difficult living conditions for juvenile offenders, and that juvenile offenders do not always have access to education. The lack of facilities for girl juvenile offenders, which result in girls being detained with adult female offenders, is an additional source of concern to the Committee.

E. Suggestions and recommendations

24. The Committee recommends that, in the context of the legal reform being undertaken by the State party in the field of children's rights, national legislation be harmonized and made fully compatible with the provisions and principles of the Convention. Such reform should in particular address the areas of administration of justice, as well as the minimum ages for marriage, access to employment and criminal responsibility. The Committee further encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. The Committee also recommends that awareness-raising programmes on children's rights be conducted for members of Parliament to assist them in incorporating the principles and provisions of the Convention on the Rights of the Child in the legislative reform.

25. The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of

the Convention in the country. The Committee encourages the State party to consider the establishment of an independent mechanism, such as an Ombudsperson for the rights of the child.

26. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society; the State party may wish to request technical assistance in this regard.

27. The Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the principle of the best interests of the child.

28. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by both adults and children, in particular in the rural areas. Further, systematic training and in-service training programmes on the rights of the child should be organized for professional groups working with and for children, such as judges, lawyers, magistrates, law enforcement personnel, police officers, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations, and personnel of child-care and detention institutions.

29. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussions and decision-making, but also are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

30. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in audio-visual media such as television.

31. In the light of article 19 of the Convention, the Committee recommends that the State party further strengthen its efforts to prevent and combat ill-treatment and sexual abuse of children, within and outside the family. It suggests, inter alia, that the authorities initiate a comprehensive study on abuse, ill-treatment and domestic violence, to improve the understanding of the nature and the scope of the problem, and strengthen social programmes to prevent all types of child abuse and to rehabilitate the child victims. Law enforcement should be strengthened against perpetrators of abuse, including sexual abuse; adequate procedures and mechanisms to deal with complaints of child abuse should be developed, such as the establishment of a family court.

32. In light of articles 3, 19 and 28 2, the Committee strongly recommends that corporal punishment within the family, at school and in care institutions be prohibited by law. It further recommends that the authorities develop and

implement appropriate creative and socio-educational measures of discipline which respect all the rights of the child, as well as establish sensitization programmes for parents.

33. While noting the current efforts of the State party to revise its legislation on adoption, the Committee recommends that this legislation be brought into conformity with the provisions of article 21 and other related articles of the Convention. It further suggests that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

34. The Committee recommends that the State party strengthen its efforts to monitor efficiently the institutions of alternative care and develop appropriate training for the staff of these institutions.

35. The Committee recommends that the State party adopt further measures to raise awareness on pre-natal services for women. The Committee suggests that the State party further promote adolescent health by strengthening reproductive health education and services to prevent and combat HIV/AIDS. Furthermore, the Committee recommends that the State party develop measures to better include children with disabilities in society.

36. In the area of education, the Committee suggests that further steps be taken to ensure the full implementation of articles 28 and 29 of the Convention. The Committee recommends that greater efforts be directed to training teachers and improving the school environment. The State party may wish to consider requesting further international assistance in this area.

37. The Committee recommends that research be undertaken on the phenomenon of the children living and/or working in the streets. The Committee also recommends an increase in the number of outreach programmes providing services to these children, including education, and that such services be provided in the different parts of the country.

38. The Committee recommends that research be conducted to determine the extent of the problem of child economic exploitation and its causes. The Committee regards this to be essential in helping to determine future policies in that regard. The Committee welcomes the fact that an interministerial committee is looking into the possibility of ratifying ILO Convention No. 138 concerning the minimum age for admission to employment, and the Committee encourages the State party to ratify it. While noting the efforts by the State party in poverty alleviation, the Committee encourages the State party to further increase its poverty alleviation programmes and schemes, and to further strengthen its social welfare system.

39. The Committee recommends that legal reform in the field of the administration of juvenile justice be pursued, taking fully into account the Convention on the Rights of the Child, in particular articles 37, 39 and 40, as well as other relevant standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In particular, the Committee recommends that the minimum age of criminal responsibility be raised. The Committee also recommends that the State party provide alternatives to detention, as well as

special facilities for girl child offenders. The Committee also recommends that corporal punishment in detention as a means of discipline, and flogging as a means of punishment, be abolished in the legislation and in practice.

40. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and the written replies presented by the State party be made widely available to the public at large and that these documents be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Togo

1. The Committee considered the initial report of Togo (CRC/C/3/Add.42) at its 420th to 422nd meetings (CRC/C/SR.420-422), held on 7 and 8 October 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the initial report of Togo and also expresses its appreciation with regard to the dialogue held with the State party. While the Committee expresses its satisfaction with the additional oral information provided by the State party in the course of the dialogue, it nevertheless regrets that it did not receive in written form answers to the list of issues (CRC/C/Q/TOGO/1) submitted by the Committee.

B. Positive aspects

3. The Committee notes that the State party adopted in 1992 a new constitution which includes provisions that promote and protect human rights. It also notes the establishment of a National Human Rights Commission (1987) and a Ministry for Human Rights and Rehabilitation (1992). The Committee also welcomes the fact that the 1992 Constitution guarantees the superiority of international human rights instruments which are incorporated into national legislation and that those treaties can be invoked before courts. Furthermore, it welcomes the willingness of the State party to envisage ratifying the African Charter on the Rights and Welfare of the Child.

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* At the 426th meeting, held on 10 October 1997.

4. The Committee welcomes the establishment in 1993 of the National Committee for the Protection and Promotion of Children.

5. The Committee notes with appreciation the steps taken by the State party to translate into Kabyè and Ewé the Convention on the Rights of the Child.

6. The Committee welcomes the emergence of national non-governmental organizations and the steps to enhance cooperation between them and the Government.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that Togo is among the group of least developed countries and that a large part of its population is living below the poverty level. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

D. Principal subjects of concern

8. The Committee notes with concern that currently several provisions of the national legislation, inter alia in the areas of civil rights, including right to nationality, as well as adoption, labour and juvenile justice, are not in conformity with the provisions and principles of the Convention on the Rights of the Child.

9. While noting the establishment of the National Committee for the Protection and Promotion of Children, the Committee remains concerned about the lack of human and financial resources and the institutional status of the National Committee. In this regard, the Committee is concerned about the National Committee's capacity to effectively coordinate programmes and policies both between concerned ministries as well as between central and local levels. Furthermore, the Committee is worried that the State party has not yet adopted a National Plan of Action (NPA).

10. The Committee is concerned at the lack of a systematic mechanism to monitor progress in all areas covered by the Convention, and in relation to all groups of children in urban and rural areas. The Committee is also concerned about the State party's limited capacity to collect and process data, as well as specific indicators, to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

11. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the absence of policies and measures to fully guarantee economic, social and cultural rights of children to the maximum extent of available resources and, where needed, within the framework of international cooperation.

12. The Committee is concerned at the lack of harmonization in the State party between the different legal minimum ages and their compatibility with the provisions and principles of the Convention, in particular its articles 1 and 2.

13. In the light of article 2 of the Convention, the Committee remains concerned about the persistence of discriminatory practices against some groups of children, especially girls and disabled children, as well as children living in rural areas, which often results in limited access to basic social facilities, such as health and education.

14. Concern is expressed by the Committee at the insufficiency of the measures taken to ensure the effective implementation of the general principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12) of the Convention in relation to legal, judicial and administrative decisions, as well as to the political decision-making process.

15. The Committee expresses its concern regarding the lack of sufficient awareness of the principles and provisions of the Convention in all parts of society, among adults and children alike. It is also concerned at the lack of sufficient training for professional groups working with or for children, such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations and personnel of child-care institutions.

16. In relation to article 7 of the Convention, the Committee is concerned that in many cases children are not registered at birth, and that the enjoyment by non-registered children of their rights might be seriously hindered.

17. The Committee is concerned at the fact that corporal punishment is a common practice in the family, in schools and in other institutions. In this regard, the Committee is worried by the absence of a comprehensive law that clearly prohibits corporal punishment of children.

18. In the light of article 17 of the Convention, the Committee notes with concern that no mechanism exists to protect children from being exposed to harmful information, including pornography.

19. With regard to the right of the child to express his/her views (art. 12) and his/her right to freedom of expression (art. 13), the Committee is concerned at the prevailing attitudes in the family, in school, in other institutions and in society that hinder the enjoyment of those rights.

20. The Committee is also concerned at the increase in the number of children living and/or working in the streets in major cities. The Committee is further concerned by the lack of statistical data and studies on such children.

21. With regard to adoption, the Committee is concerned by the absence of a comprehensive legal framework that fully conforms to article 21 and the other relevant provisions of the Convention.

22. In the light of article 19 of the Convention, the Committee is worried about the persistence of child abuse, including ill-treatment within the family, and the absence at the administration level of an appropriate mechanism to prevent and combat this phenomenon.

23. The Committee is concerned at the difficult health situation faced by a majority of children, inter alia, high under-five child mortality rate, weak nutritional status, high incidence of malaria and iodine deficiency, and limited access to clean water and safe sanitation. It is also worried by the spread of HIV/AIDS throughout the population of the country, which bears a direct impact on the lives of children. The incidence of early pregnancies is also a matter of concern.

24. The Committee remains concerned at traditional attitudes and harmful practices, in particular female genital mutilation, which still prevail in some regions.

25. With regard to the right to education (arts. 28 and 29), while noting that the principle of free, universal and compulsory basic education for all children is recognized by the State party, the Committee is concerned at the low level of school enrolment and the high drop-out rate, especially among girls, resulting in high illiteracy rates, the lack of learning and teaching facilities and the shortage of trained teachers, particularly in rural areas. Furthermore, in the light of article 31 of the Convention, the Committee is concerned at the lack of appropriate playgrounds.

26. In the light of articles 2, 3 and 22 of the Convention, the Committee is concerned about the absence of a legal framework to protect refugee and internally displaced children. The Committee is also concerned that a refugee child has to reach the age of 18 years to acquire Togolese citizenship.

27. The Committee is concerned about the insufficiency of legal and other measures to adequately prevent and combat economic exploitation of children, especially in the informal sector. The Committee is also seriously worried by the widespread sale and trafficking of children which result in their economic and sexual exploitation.

28. The Committee is concerned at the recent emergence of substance abuse among children and the limited prevention and rehabilitation measures and facilities to combat this phenomenon.

29. The Committee is concerned at the absence of comprehensive information and data concerning sexual abuse and exploitation of children, including in the family and when serving as domestic workers.

30. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern. The Committee remains particularly concerned about, inter alia, the violations

of the rights of the child in detention centres, especially when not separated from adult detainees, the length and conditions of pre-trial detention, the existence of only one judge for minors and one centre specifically for boys in conflict with the law, the lack of access to legal assistance and the inadequacy of existing alternative measures to imprisonment.

E. Suggestions and recommendations

31. The Committee recommends that the State party initiate a comprehensive study on the compatibility of national legislation with the principles and provisions of the Convention on the Rights of the Child with a view to engaging in a law-reform process which would result in the enactment of a comprehensive children's code. In this regard, the Committee suggests that the State party may wish to seek technical assistance.

32. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. In this regard, it recommends that the role and resources of the National Committee for the Protection and Promotion of Children be reinforced. It encourages the State party to increase its cooperation with non-governmental organizations (NGOs).

33. The Committee also recommends that the State party give priority attention to the development of a system of data collection and analysis, as well as to the identification of appropriate disaggregated indicators, with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating the progress achieved and the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, the girl child, children ill-treated and abused within the family and in other institutions, children deprived of liberty, children living in rural areas, children who are victims of sexual exploitation, refugee children and children living and/or working in the streets. It is further suggested that the State party request international cooperation in this regard from, among others, the United Nations Children's Fund.

34. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children, particularly the most disadvantaged. In this regard, the Committee suggests that the State party envisage reallocating resources towards fully implementing the Convention.

35. The Committee recommends that the State party take all appropriate measures to fully harmonize legal minimum ages with the provisions and principles of the Convention.

36. The Committee further recommends that all appropriate measures be undertaken by the State party, including public information campaigns, to prevent and combat all forms of prevailing discriminatory attitudes against girls and children with disabilities, especially those living in rural areas, with a view, inter alia, to facilitating their access to basic services.

37. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular the best interests of the child (art. 3) and the participation of children (art. 12), not only guide policy discussions and formulation and decision-making, but also are appropriately reflected in any judicial and administrative decisions and in the development and implementation of all projects and programmes which have an impact on children.

38. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in the curricula of educational institutions, and appropriate measures should be taken to facilitate access by children to information produced on their rights. Special attention should also be given to sensitize community and religious leaders about the Convention, especially its general principles. The Committee also suggests that, within the framework of the existing technical assistance programme with the Office of the United Nations High Commissioner for Human Rights, the State party further engage its efforts towards developing comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school administrators, health personnel, social workers, officials of central or local administrations and personnel of child-care institutions.

39. The Committee recommends that special efforts be developed to guarantee an effective system of birth registration, in the light of article 7 of the Convention, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention.

40. In the light of articles 3, 19 and 28 (2), the Committee strongly recommends that corporal punishment be explicitly prohibited by law and that information campaigns be launched to appropriately sensitize adults on the dangers and harms of the practice. The Committee further recommends that the legislation protecting children from violence be amended in accordance with the provisions and principles of the Convention.

41. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in the audio-visual media and in media using new technologies.

42. In the light of articles 12 and 13 of the Convention, the Committee recommends that the State party take all appropriate measures to promote and guarantee the right of the child to freedom of expression at home, in school, in other institutions and in society.

43. With a view to fully protecting the rights of children in the framework of adoption, the Committee recommends that the State party review its adoption laws in the light of article 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

44. With a view to combating all forms of child abuse, especially ill-treatment within the family, the Committee recommends that the State party take all appropriate measures, including law enforcement and rehabilitation measures.

45. The Committee encourages the State party to undertake to prevent and combat the phenomenon of children working and/or living in the streets by, inter alia, engaging in research and collection of data, promoting integration and vocational training programmes, and guaranteeing equal access to health and social services.

46. The Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat under-five mortality, malnutrition, malaria and iodine deficiency, and to improve access to clean water and safe sanitation.

47. The Committee suggests that the State party strengthen its information and prevention programmes to combat HIV/AIDS and sexually transmitted diseases (STD), as well as discriminatory practices towards children affected or infected by HIV/AIDS. The Committee further recommends that the State party pursue and strengthen its family planning and reproductive health programmes, including for adolescents.

48. The Committee shares the view of the State party that serious efforts are required to address harmful traditional practices such as female genital mutilation. Taking note of the current efforts undertaken to draft specific legislation to prohibit the practice of female genital mutilation, the Committee encourages the rapid enactment of such a law which is fully compatible with the Convention. It also recommends that public campaigns involving all sectors of society, including traditional leaders, be developed and pursued with a view to changing attitudes. In this regard, all appropriate action should be taken on a priority basis.

49. In accordance with article 28 (a) of the Convention, the Committee encourages the State party in its efforts to make primary education compulsory and available free to all. It also encourages the State party to implement measures to improve school enrolment and school retention, especially for girls. A system for the regular evaluation of the effectiveness of these and other educational measures, including quality of teaching, must be ensured. In the spirit of article 29 of the Convention, further steps should be taken to develop guidelines for the participation of all children in the life of the

school, in conformity with the principles and provisions of the Convention. Furthermore, the State party is encouraged to provide more appropriate playgrounds for children.

50. In the spirit of articles 2, 3 and 22 of the Convention, the Committee recommends that the State party make all appropriate efforts to ensure easy and full access to basic services, including in the areas of education, health and social services, to refugee children living under its jurisdiction.

51. The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws and ILO Convention No. 138 regarding the minimum age for employment in order to protect children from being economically exploited, especially as domestic servants. It further suggests that the authorities adopt legislation and measures to protect children from exploitation through child labour in the informal sector. The Committee also recommends that the State party take appropriate measures, including cooperation agreements with neighbouring countries, to prevent and combat the trafficking and sale of children.

52. With a view to preventing and combating drug and substance abuse among children, the Committee recommends that the authorities take all appropriate measures, such as public information campaigns, including in schools and in other institutions. It also encourages the State party to support all rehabilitation programmes dealing with children victims of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from relevant international organizations, such as the World Health Organization (WHO).

53. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It also recommends that the authorities undertake studies with a view to designing and implementing appropriate policies and measures, including in the areas of law enforcement and rehabilitation, to combat this phenomenon comprehensively and effectively. The Committee wishes in this regard to draw the attention of the State party to the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

54. The Committee recommends that the State party envisage undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and he United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, especially guaranteeing their separation from adult detainees, reducing the length of pre-trial detention, increasing the number of judges for minors and the number of specific rehabilitation centres for boys as well as for girls in conflict with the law, giving access to legal assistance and promoting alternative measures to imprisonment. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system.

The Committee further suggests that the State party consider seeking and reinforcing existing technical assistance for this purpose from, among others, the Office of the United Nations High Commissioner for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

55. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report presented by the State party be made widely available to the public at large and that the report be published, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.